

**PLANNING BOARD MEETING  
AMESBURY CITY HALL AUDITORIUM  
62 FRIEND STREET @ 7:00 P.M.  
MONDAY, NOV. 10, 2014  
Meeting opened at 7:05 P.M.**

**PRESENT:** Ted Semesnyei, Robert Laplante, Scott Mandeville, Karen Solstad, Lars Johannessen, David Frick.

**ABSENT:** None.

**ALSO PRESENT:** Nipun Jain, City planner; Paul Bibaud, Recording Secretary

**MINUTES:** NONE.

**SIGN APPLICATIONS:**

**Burger King – 109 Macy Street**

**Heather Dedco, National Sign Corporation, sign installers.**

**Nipun Jain:** The subcommittee reviewed the sign and voted to recommend the revised application with two signs in the two locations, as proposed.

**David Frick:** So moved.

**Motion was seconded by Scott Mandeville. All in favor.**

**Henry Cheney Jr., 41 Sparhawk Street**

**Bob Deshaies, attorney standing in for attorney Paul Gagliardi for Dr. Cheney, who is present tonight, here to answer your questions.**

**Ted Semesnyei:** I understand you went before the ZBA?

**Bob Deshaies:** Yes.

**Nipun Jain:** They went before ZBA and got the variance for allowing a greater sign area. Based on that sign area, the application that was originally submitted to the PLB and which had been reviewed by the subcommittee, would now be in compliance with the area requirements, or as approved by the ZBA. At the time of the original review of the sign, there was a suggestion made to consider relocating the name of the doctors, in light of the smaller square footage, but now that the square footage has now been allowed, the subcommittee had no other comments and recommend approval of the sign.

**Motion was made by David Frick recommends for approval as submitted. Motion was seconded by Scott Mandeville. All in favor.**

**PUBLIC HEARING:**

**HATTERS POINT SITE DEVELOPMENT PLAN – PHASE II**

**Robert Laplante recuses himself as a resident of Hatters Point.**

**Nipun Jain:** A request has been submitted for Hatters Point condominiums Phase II application for modification of 2008 Site Plan Review for a proposed 45 unit project with 95 parking spaces in Amesbury, Ma. The proposed project is located at 60 Merrimac Street, Map 99, Lot 23, as shown on the plan by Meridian Associates dated Oct. 14, 2014.

**Ted Semesnyei:** Since this is the initial public hearing, staff will give a brief overview of how we got to this point. We'll ask the applicant to give a general overview of the project

and what they have submitted to us. PLB will ask questions, then we'll open it up to the floor for questions.

**Nipun Jain:** The applicant had come before the PLB for a pre-application conference in early summer of 2014 to show what their overall objective is. At that time, the PLB had provided some initial feedback, based on which the applicant has made some changes to their conceptual plan and have submitted this application for site plan review. As the PLB and applicant have also known, there were certain zoning amendments that were adopted by the city council just recently, and there are other special permit applications that would go along with this application and those were filed last week. A separate public hearing will be held for those Special Permits, I believe on Dec. 8. I will hand the floor over to the applicant to give a brief overview of the project application as submitted.

**Jack McElhinney, attorney for Hatters Point Condominiums Capital, the applicant:**

Our team that will speak to this in more detail: Larry Smith, principal and manager at Hatters Point Capital. Joe LaGrasse, architect; also Charlie Weir, Meridian Associates as site engineer. This is Phase II of Hatters Point project. The project originally commenced in the late 80s. The initial construction began in 2000 with Phase I, consisting of 42 units. At that point, Phase II was originally approved. The existing mill buildings that constitute the site pad for Phase II are badly deteriorating. It is only standing by virtue of the bracing put in place. That is the site for Phase II. As most recently approved, in 2008, Mr. Sullivan's plan for Phase II consisted of 65 units. The current proposal which was a reflection of a collaboration between the developer and the homeowners association, the association bowing to the rights of Mr. Sullivan to do the subsequent phasing. There was a desire to significantly reduce the scale of Phase II, which has gone from 65 units down to 45 units, and the 45 units are all 2 bedroom units. The total square footage is reduced from 213,000 to 130,000 square feet. Accordingly, parking is reduced from 120 spaces down to 95 spaces. There is a slight increase in the average height of the building, which is approx. 61 feet, as opposed to the 55 feet in Mr. Sullivan's proposal. We have applied for a number of instances of special permit relief under the new zoning that was put in place, largely the same relief obtained by Mr. Sullivan from 2006 to 2008. There is a front yard setback relief being requested. Basically, the building orientation will be very similar along Merrimac Street to what existed in Phase I, although our plan does provide for more of an open corridor in the front of the building, which will increase the light. There is a special permit also required for lot size, due to the fact that a portion of our lot is below the mean high water line. There will also be additional special permits, but work within the flood plain portion of the project, which involves the river walk, etc. and earth removal. Those have all been filed and will be heard on Dec. 8. Our thought would be to consolidate those with the continuation of this site plan review. The other important aspect that you'll hear from residents about is that Phase II as proposed will be the completion of some elements of the amenities that were never completed as part of Phase I. That would be completing the river walk, the installation of the decorative lighting along the walk, the fencing, etc. The project also incorporates a common area room for the benefit of the existing residents and the new residents, all included as part of this design. When completed, we estimate that it will generate an additional \$450,000 in tax revenue per year to the city. As an over 55 community, there will be no school children and minimal impact or demand for municipal services. We have met throughout spring and summer with the board, ConCom, historical commission, and had group sessions with abutters in the neighborhood to answer questions. Our goal is to move forward tonight and present the project, answer questions from PLB and the public.

**Joe LaGrasse, architect:** We've tried to keep the site as it was when it was proposed and approved many years ago. We've eliminated the large mass of building that was proposed, and we have a one story below ground parking garage and a five story residential platform above. It is 45 units, adjacent to the existing condominiums on the west side, and we've used the east side to place our building. The entrance driveway was planned under the original engineer's drawings and is pretty much the same. We've got our east side gated entrance, then about a 20 foot drop in grade from roadside down to the platform of the parking area outside. The slight differences in this plan would be, we have a lot more open space. Only 32 parking spaces outside. Two thirds of the parking spaces are hidden inside on the basement level, with 63 spaces in the garage area. We also kept the original 9-10 spaces for public access parking on the waterfront that stays there. We've not changed that. The entrance driveway down to the original circle that presently existing to the parking area, we've left a lot of it as is, but added a lot of green space in front of the building. So the site works much better now, and will work much better once this building is built. As far as the building rendering: what you see is the Merrimac Street elevation, which has no balconies; the existing building which has balconies, but we elected to make it look more like a hotel, and we're trying to make it look like a mill building. The elevation is five stories and it is brick. It has some detail. The photos on the side of that sheet before you show the existing building, and we tried to point out to both the PLB staff and also the historical commission through meetings, independently and then a joint meeting, on what constituted resemblance. We went through quite a few, involving eaves and gutters. One thing we've done is, 4-5 stories of brick are difficult to do. We tried to have two stories of clapboards, but it just didn't work. We took the top floor and pushed it back as a clear story, pushing it back 7-8 feet into the building and made it a different material that really looked good, and became our design. We have granite pre-cast sills. We have divided light windows. Those are in corridors and some are in bedrooms. It made it difficult when you have a 6 foot window.

**Ted Semesnyei:** Some of these details we can discuss later on the the process. I know we'll have a peer review of the project. We can move on to some of the other overview aspects of the project.

**Joe LaGrasse:** We can probably conclude that the building is what we're talking about. The site plan was important and it works. The building elevation, the water side did not come up, but we discussed it that the water side does have the expansive decks and looks really good. It is exposed to the water side. You have photos in your packets.

**Ted Semesnyei:** Before we take comments from the public, if we could go down the line of the PLB for comments?

**David Frick:** I'd prefer to defer to the public first, then do my comments.

**Nipun Jain:** As part of the PLB rules and procedures, the vice chairman had advised me to inform the public, anticipating a large presence, on what are some of the basic speaker decorum for a public hearing, so if the vice chair would go over those.

**David Frick:** We'd like to try to limit each person's comments to two minutes, and if someone has spoken about what you wanted to speak about, we ask that you not get up and repeat it. If you have a spokesperson or you want to put something in writing to us, for things from your spokesperson to us, that is also something you can always do. To let you know, after tonight this will go to our peer review consultant, who will look at the project and inform us as to how it meets the regulations that exist for the project. Then it will come back, and we'll probably have at least 2-3 more meetings. So this public hearing will remain open well past this meeting. So the first speaker request is up.

**Barbara Hathaway, owner of 10 Sweets Hill and reside at 9 Swetts Hill:** We've been in Amesbury 36 years. My two concerns: status of the demolition permit from the historic commission. From our reading of the bylaw, Bill 2006-076, it basically says the building demolition bylaw and if the building is historic (i.e., more than 75 years old) and since the first building was 1850, and the second building was 1930, we feel that it falls under the historic building, and there needs to be a public hearing and the abutters have to be notified. So I assume one of the permits that was alluded to was a demolition permit?

**Howard Dalton:** It's still too early in the game here. We're taking in just the basic project, making sure that their submittals are up-to-date and we're going to send it out for peer review. We're not here to answer any technical questions right now. Later on in subsequent public hearings, then we'll get into more and more detail. Your question is noted.

**Barbara Hathaway:** The second permit was the waterways permit. Since initially, they thought that shouldn't have been issued because they were 240 feet shy of the property line from Phase I. So that probably needs a new permit, since the footprint has changed and what is the proximity to the waters edge? I think that was alluded to about the mean water line. I'm not sure what you are going to do, as far as listening what is it that they need in order to get from the PLB? We've heard the word Finding, and Variance. We know the variance from the ZBA is gone. But the Finding? It seems like they are trying to get the site plan approval from 2008, but it is really not the same site plan. We're concerned over the height, as you can imagine. Looking at the building from Phase I, it is a great height. Then you see Phase II and it goes much higher. So the question is, why couldn't it stay within the same height? It looks like a high rise on the river.

**Nipun Jain:** I'll respond quickly: Re: permits, the permits that they need now are only from the PLB. The variance and the findings that were required under the old regulations for relief from the front yard setback and the heights are all now under a special permit prevue of the PLB. That is what is being filed for which the public hearing will be held on Dec. 8. The demolition permit would be filed with the historical commission. So once any action or if an action is needed to be taken, then we will get a report of that.

**Brenda Grover, 63 Merrimac Street:** I'd say we share similar concerns with Ms. Hathaway re: height. One specific reason for our concern is that with the increased height, the shadows it will cast over the road and our house in the winter. It may prolong snow to melt. Our street is not plowed well in winter. We're concerned about dangerous roadways with increased shadows and our house. Also we're concerned that the building just sort of seems a bit out of place for Amesbury. It might fit downtown, but along the river, it just doesn't seem to fit well. So I agree about the height issues. We're wondering about the permits, also. We'll find out more later about those.

**Dana Hathaway, 9 and 10 Swetts Hill:** We were basically pleased with the outcome of the Phase I. They did a nice job with the property. We are very concerned with Phase II. To us, this is a whole different ballgame. I wrote a letter that I want put into the public record. It says: our history is that we purchased a house at #10 Swetts Hill in the 70s, then we were able to get an adjacent lot, overlooking the river and Maudslay state Park in the early 80s. We went to considerable expense and tribulation to build a custom solar design single family house we live in now. We understood that the development of the Hat Shop property was something that was going to go forward in one way or another. We looked at that and figured it would be better fixed up than it is left the way it is probably. Our diligence consisted of looking at the zoning that was in place and the permitting system that was in place at the time. We felt that the pre-existing mill buildings would be a guideline, as they were for Phase I, providing a stringent guideline for what could be done there. A global thing



we all need to think about: this town is full of mill buildings. One of the recent successes has been the rehabbing of many of them. Far as I know, no one had to come to the PLB and say, "Gee, I need to make a high rise. I need 70 feet to make it work." There is building after building that's been rehabbed, housing people, paying taxes, providing office space, and they all are able to work within the pre-existing outline structures. The problem we have is this is a mill building stuck in the middle of a residential neighborhood, along a pretty riverfront, where everybody has stringent zoning requirements to do a single family house, yet somehow a high rise can be built. That is our issue. Phase I is an example of a successful rehabbing like this. Why can't Phase II be consistent with Phase I? We feel they are drastically inconsistent, especially in height. Yet this has managed to reach up above to tower height, when towers are not allowed, if not occupied. A substantial part of this building is 76 or 78 feet. The average height is lower, but it peaks at about 78 feet, which is much different than Phase I.

**Ted Semesnyei:** So your main concerns are the height and the overall architectural details compared to Phase I.

**Dana Hathaway:** It is. Looking at the bottom line here, he changed the size, changed the height, and changed the location. I don't know why, logically, these are not considered new buildings? Can you take a grandfathered structure, and change it that much, and actually move its physical location, and still inherit those rights? We've got two issues. It would be the highest building along the Merrimac on the river up to Haverhill. In Haverhill, their high buildings are right in the city urban center, where they fit. We don't feel this is. The other issue is a safety issue that Brenda Grover mentioned, on Merrimac Street. The street runs almost due east-west, with the sun always in the south in the winter. If you place a tall enough structure between the street and the sun, it will be in the shade all day.

**Ted Semesnyei:** We will put your letter into the public record. Thank you. We don't have any more speaker requests. Anyone else care to comment?

**Mike Shields, 5 Beacon Street. I've lived in town for 36 years.** I've been inquiring to get a crosswalk somewhere along the street. Several people walk the neighborhood, including Hatter's Point residents. The intersection of Merrimac, Pleasant Valley Road and Beacon Street is dicey. There have been a number of accidents there. I'm just hoping, as part of this project, there could possibly be a crosswalk installed near Hatter's Point.

**Tom Cusick, 3 Beacon Street:** I agree that it doesn't need to be that high. I don't think it fits, either. I'd also like to see a performance bond. I think the original project was like a 7 year build out. Unfortunately, Mr. Sullivan passed away and the project got held up, but as abutters, we still have to deal with broken sidewalks, debris, etc. I'm in favor of the project, but I'm concerned that the timeline get streamlined, and what the city is doing to protect itself from this project going on years into the future. Also on the height, I'm not sure what that sets for a precedent for other projects... Specifically the project on Baileys Pond and whether or not that is going to impact and set a precedent? If it is done here, can it then be done there?

**Kathleen MacWilliams, 56 Merrimac Street:** He said there would be a gate at the entry way, and he mentioned 8 parking places for the public. I just want to know how the public would have access to this area if there is a gate?

**Calvin Pingree, 60 Merrimac Street:** The biggest thing about this project is the additional tax money the city of Amesbury is going to be getting. To me, I think this is a very important thing.

**Beth Miller, ten year owner – resident of Hatters Point:** Many residents of Hatters Point are in attendance tonight, which goes to our commitment to our homes, to our condo community,

to our neighborhood, and also to the community of Amesbury as a whole. Currently, as was mentioned, we consist of 42 condo units. Hatters Point is home to approximately 66 active lifestyle seniors. When most of us came to Hatters Point, we embraced the vision and promises of the previous builder, Mr. Sullivan, that Hatters would become the North Shore's premiere over 55 waterfront gem that he imagined. The owners since Mr. Sullivan's death 6 years ago, have been living alongside rubble and debris. In 6 years, nothing that has been done on Hatter's Point property has been done without the owners paying for it privately. We've seen our property values for resale negatively impacted and we believe the development of Phase II will help restore our homes value and the values of homes in the neighborhood. Along the way, each of the Hatters Point owners was burdened with financial assessments that required them to bring down decrepit areas within the structures, remove debris, properly insure and fence in the area for the safety of not only our residents, but the safety of the neighborhood and people who frequent the marina and citizens that access our public river walk. We are predominantly a 55 plus population living in a privately owned location. We place little burden on the infrastructure and the services in Amesbury, as we do not add children to the school enrollment, we don't receive city services of snow plowing and trash and recycling. Conversely, the owners of the existing 42 units do add considerably to the tax revenue for Amesbury real estate. That will more than likely double when the projected units of Phase II are built and sold. The owners of Hatters Point have waited years for the development rights to revert back to our association, which would then allow us to search for an outstanding development group that could deliver a comprehensive and historically thoughtful vision of Hatters Point. Working closely with Hatters Point residents and the board of directors, Hatters Point Capital has agreed to finish some of the remaining Phase I details as mentioned by attorney McElhinney. The architectural renderings of Phase II depict a structure that is consistent spiritually and historically with the first phase of Hatters Point, built in the bones of the Hat Factory. The entire neighborhood surrounding Hatters Point will benefit from the development of Phase II with the removal of the unsightly and dangerous blight that we as residents have had to tolerate for years. All said, Hatters point Capital is the right company to finish the Hatters Point property, and we the owners remain committed to having that happen. We respectfully submit that the time for it to happen is now, and we're asking for your help in getting it done.

**Ted Semesnyei:** At this time, we'll ask the applicant to return to the podium please.

**Attorney Jack McElhinney for Hatters Point Capital:** In response to some of these questions brought up...

**Howard Dalton:** Lets hold off on responses until we get all the information back, then we can do it. I don't want a point / counter point discussion with everybody here.

**Ted Semesnyei:** initial thoughts from the board?

**Howard Dalton:** Nothing other than to get it out to peer review and let the public know that we'll have a design review subcommittee look at some of the architectural amenities on the property.

**Nipun Jain:** Update on the peer review, at a prior meeting, the board had ok'd the peer review to be Horsley-Witten. But I believe this project will require prior approvals or at least endorsement on certain permits. In talking to the agent, they would most likely go with BSC, which is your regular peer review in this matter. We just wanted to confirm if there is any objection to this, because there has been review work done as yet. If you agree, we'll have the board formally vote on BSC to start the review.

**Motion was made by Howard Dalton to accept BSC as the peer review consultant on this project. Motion was seconded by Lars Johannessen.**

**Jack McElhinney:** We had talked about having Horsley-Witten do the work. We were comfortable with that. We would like to go forward with that proposal.

**Charlie Weir, Meridien Associates:** Who would BSC have do this?

**Nipun Jain:** Domenic Renaldi.

**Charlie Weir:** It would be better if we could vet who is going to be reviewing this for us. Usually you get 2-3 different options, not only for cost, but also it just seems fair to...

**Nipun Jain:** We can do that. It will extend the time frame before the board can select a consultant. We'd first have to put out a request, then the board gets those requests...

**Charlie Weir:** We had vetted Horsley-Witten and...

**Nipun Jain:** We're the ones who recommended that, but we will wait until the applicant determines that the consultant is chosen, or we have the other option of having separate consultants.

**Howard Dalton:** The consultant works for us. We pick the consultant. I don't want the applicant picking the consultant. We need somebody who we have confidence in. I'm more confident in this one than the previous, and I think we can work with that consultant to get a peer reviewer who would be acceptable.

**Scott Mandeville:** I feel the same way. It is up to us who our consultant is, but I think it is fair to give them the opportunity to have a little bit of a vetting process, if they want to extend it and take that time. But ultimately, you're right. We should decide who our consultant is going to be.

**Nipun Jain:** We have the initial public hearing for the special permits on Dec. 8. If the applicant wishes to express any concerns,, like questioning of qualifications, but we'd like to know what that exact concern would be for any one particular reviewer in any of those firms. We can't guarantee who that peer reviewer would be in that firm. For streamlining this project, given how many permits are needed and across different permitting agencies, our goal is to streamline the process. That is why we prefer one firm for both PLB and ConCom.

**Charlie Weir:** Our preference would be to go with Horsley-Witten, but if BSC picks up the ConCom piece, we would be fine with that. There is a lot of permitting for this. We have to go back to the state for MEPA, go through Mass. Historical Commission, we have Chapter 91 to go through, so our goal is to move forward, and we'd like to move forward with Horsley-Witten. I think the PLB will be the main permitting agency on this matter. I don't want to wait a month to start peer review. That just adds another month to the schedule, which is not what we're looking to do. That is our preference, but it is up to the PLB.

**VOTE on the motion to use BSC Group was unanimous for BSC.**

**Scott Mandeville:** Regarding design, we've met a few times. I think the design is coming along nicely. I think my concern, and I've voiced this in the past with 55+ developments, is that every single one of these units enters on a step on stairs, which I think could be an issue for a population that is starting in your units at 55 and going on from there. I also have concerns about the ephus, instead of concrete. I don't think it is a material that will last as well as concrete, or more stone. I think the homeowners association should consider that along with the longevity as well.

**Karen Solstad:** I'd like to second my colleague's concern about having stairs at the entrance of every single unit. I think the movement in design is going towards universal access, and this flies in the face of universal access for residents. Nobody knows what the future holds for them re: mobility. Having steps everywhere is not good design for 55 +.

**David Frick:** What was the difference between the approved height of the original project and this height? Also, if you could give us an idea and lay out what the approved plan from

several years ago was, overall mass and how it varies now, etc. You actually decreased the square footage substantially from 213,000 to 130,000. I'd just like to see it. It can't be wider, bigger, taller, yet be less square feet. I just want to get a sense of this. Also want to understand the thinking for the higher height. If you could present those in the future to us, it'd be great.

**Ted Semesnyei:** I would just make note of the comments made from the DPW, who has done an initial review, and just to make sure if they have come up with a number of points that we'll be looking forward to hearing your responses to their concerns.

**Nipun Jain:** We will be forwarding those letters to the applicant.

**Lars Johannessen:** Charlie, the cost of making so many different levels in the building, vs. having just flats for each unit?

**Charlie Weir:** That's more of a question for Joe.

**Lars Johannessen:** Instead of having so many different levels in there, I'd love to see them be flats instead.

**Scott Mandeville:** I think we owe them a couple of minutes to respond to a few concerns.

**Joe LaGrasse, architect:** One of the things we did, while challenging and making it better, was move the building away from the street by about 35 feet. It bends towards the water front, then it comes back. That allows you that room for sunlight. Our proposal gives us more ground area that is permeable (lawn, grass, walkway, etc.). We tried to reduce the mass of the original building, going from 65 units and 120 parking spaces down to 45 units and 96 parking spaces, of which one floor is necessary underneath the building. Trying to reduce that mass was very important. It came down by 40 or 50 %.

The width of the building is a difficult scenario. The width is rather narrow, because you have so few units, a double loaded corridor would make that mass grow again. So we ended up going with the single loaded corridor. We do have flat units, I just didn't get to the location and where they would be going. But we do have plans for 5 flat units in there. The corridors are on every other level. When you have a corridor level, you have this little split foyer where you go down to one living room and up to another living room, what you do is you actually reduce the common space corridor area. We also reduced construction costs because we shrunk the building a little bit with a split level. What it does do is add a staircase in the units going down eight risers and up eight riser.

We felt that marketing and the people we talked to thought that was pretty good. As far as ADA goes, we do have flat units. I'll show those in detail, if necessary, in the next set of plans. So the volume is less and I will detail that more by superimposing our plan and the previous plan, to show the differences. There is a difference in height, only because trying to analyze the 7 stories of building in the previous at some 10 feet floor to floor, it was impossible to get 7 stories, so we reduced it to five stories and a concrete platform to six levels instead of seven. Even with the one foot eight inches I've allowed for what we call ceiling to floor, that is cutting it very close. So we did end up with a 7 foot difference in a small section of building, the front clear story. But the building average is less, at 61 feet and the previous one's average was 55 feet, I believe. We will do a shadow study to see what the height of the building, once set back 35 feet, will do to Merrimac Street. We'll do profiles, which shows elevations of terrain and structures on the terrain, line of sight, etc. to show you what you really have with the building heights, locations and distances.

**Ted Semesnyei:** This has been a good overview, with good comments from the public and initial thoughts from the board. Next time, if you could address each of these issues for the Dec. 8 meeting. We'll go ahead and start the peer review.



**Joe LaGrasse:** There was one universal question that was asked that was very good. This site, that entrance driveway, is the entrance to Phase II and also Phase I, but it also is the entrance to the marina, which has some 85 boats out there, independently of the homeowners. They also have public coming in there. So we're trying to have a little gate house for keeping strangers out by its mere presence. But there is some coordination between public access, the owner's access, and the marina's access that is very necessary to work out. On our plan, I failed to describe that we have an entrance into the building, and a crosswalk crossing the street to the parking lot and sidewalk across the street. I just didn't bring that up. But we thought it would be a good point to have a crosswalk right in the center of both Phases of the project.

**Karen Solstad:** Is this being considered a modification to the plan, or a new plan?

**Nipun Jain:** We'll give you a copy of the legal opinion on his matter, which was brought up prior to the May pre-application conference, which will outline where it is a modification where it is not a modification. Maybe that will answer that question.

**Joe LaGrasse:** The petition was for a modification of the 2008 approval.

**Karen Solstad:** It is such a drastically different plan, from looking at it, it is very different. If we could have it laid out in a clear format as to what the differences are: the setbacks, the total square footage, number of units...

**Joe LaGrasse:** We do have a before and after chart which we could...

**Karen Solstad:** I'd really need to see that.

**Joe LaGrasse:** We did submit that as part of our application package. I don't know if it made it to PLB.

**Ted Semesnyei:** They submitted some of that, but if it was anything more specific, perhaps it could be put in writing for the next meeting.

**Joe LaGrasse:** We can update that and expand upon it. I understand you need to see clearly a before and after.

**Lars Johannessen:** The public safety question, as far as our fire truck, our ladder truck: how high it reaches versus how high this building is? As far as I know, our ladder truck goes to 70 feet, but that is straight up.

**Ted Semesnyei:** That definitely should be fully addressed.

**Howard Dalton:** The fire dept should review that. Mr. Chairman, I submit that we have made our goals for this particular public hearing. We have a big agenda. I think we should move on and let the public know that we will be back on Dec. 8 with more comments can be addressed then.

**David Frick:** So is the Special Permit hearing, is that a different hearing or is that part of this public hearing?

**Nipun Jain:** No, that will be advertised separately and it will be considered the initial hearing on the special permits on Dec. 8. Once a peer review is done, we typically have a meeting of the board's peer review to discuss the letter of review with the applicant's engineer. So that way, there is clear understanding of what expectations are, what issues need to be resolved, then they submit a response. It has been seen in the past that the response from the applicant comes back to the board, it is a more productive meeting with the board, in order to address remaining issues. If you cut back with just the peer review responses, all you are doing is hearing the peer review responses and the applicant has not had a chance to respond to it. So in the interest of time and better responses to the technical review in the peer review, there is some time frame that is needed. If you come back on Dec. 8, I don't think you would have the responses from the applicant back yet. I don't even think the peer

review would be fully done with their responses in time for the applicant to respond, given that we are running into Thanksgiving week, as well.

**David Frick:** Perhaps to move this along, that once that is done and the peer review comes back, then they respond, maybe we set up a subcommittee to meet, review, ask questions, to move this along a bit before a January meeting?

**Nipun Jain:** You can, but it is up to the board how they wish to shepherd this through. We can discuss it in more detail on Dec. 8 as well.

**Motion was made by David Frick to continue this meeting to January 12. Motion was seconded by Scott Mandeville. Vote was unanimous.**

## **CONTINUED PUBLIC HEARINGS**

**Zoning Amendment Bill # 2014-115** Modifications to approval of 2008 plan, 60 Merrimac Street, Amesbury (Meridian Associates- Mr. Chris Rokos)

**Motion was made by David Frick to TABLE this public hearing to the end of tonight's agenda. Motion was seconded by Lars Johannessen. Vote was all in favor.**

*(See attached memorandum dated November 17, 2014 from Nipun Jain, City Planner.*

## **ADMINISTRATIVE:**

**Amesbury Height, 36 Haverhill Road, Application for a 40 R Plan Approval, Map 86 , Lots 45 and 47.**

**Nipun Jain:** This is an application for 240 units that are proposed in a multi family residential development along Rt. 110, very close to the intersection of Routes 110 and 150. This project as submitted was approved in 2007 by the ZBA under the comprehensive permit Chapter 40 B regulations. It has remained valid as the permits have been extended by the ZBA. At this time, the applicant is looking to file the same approved project under the Smart Growth 40 R Overlay District, that the city of Amesbury had adopted. A point that the board may want to know is, at the time when we were creating the 40 R district, we worked very closely with the project proponent to create the Smart Growth Overlay District with this project in mind and the regulations were written as such that the approved project would be fully acceptable under the 40 R guidelines that the city accepted. So it is important for PLB to note that the 40 R regulations took this project into account, the guidelines, the performance standards were written keeping in mind the project that was being proposed under 40 B, so that the option would be available for the proponent to use the 40 R regulations, if they so choose to. We have received information on this project, as it pertains to the submittal requirements under the 40 R statute and the local regulations that were adopted as part of the 40 R statute. At this meeting, I would ask the board to authorize us to post a legal notice after determining that the application is in substantial compliance with the submittal requirements. There are some additional documents that are needed, but I have been informed that those documents would be coming very shortly. So we don't see any major gaps in the submittal requirements at this time. There is one additional request that the applicant has made, as part of the application, which is to waive the application fees, given that the project has been substantially reviewed and approved by the city, and there are no substantial changes to the project in terms of access, building location, any technical performance standard that the PLB will be required to take into consideration as part of its application process. We can certainly provide any information to support the waiver, if the

PLB so chooses. But those are the few action items that the board needs to take care of today. We do have the applicant and their team, to give you a brief overview of the project. Please be mindful that this is not a public hearing, but we did want to give you a brief overview. It's a big project. We are very familiar with it at the staff level. The applicant clearly was greatly involved between the 15 to 18 month review process between the various boards and technical peer reviews that took place. So substantial time and effort put into the approval of the project under the 40 B and so we think that should be taken into consideration as you move forward into the public hearing on Dec. 8.

**William Buckley, Boston North Properties:** We have owned this site since 2006. We also own several other holdings in Amesbury. The process began in 2004 when we put this parcel under agreement. We worked closely with Nipun and others in permitting a 240 unit apartment project and spent at least 15 to 18 months on this. The project went through many different designs, and was approved by a comprehensive permit in April of 2007. We've extended that permit. During that time, we worked closely with the city and the adoption of a 40 R zone. By working with us on this, the city benefitted by getting a \$350,000 bonus payment just for the adoption of the zone. Because this project has been on hold, I understand that money is still sitting in escrow waiting for release, once this project gets started. We got ConCom approval in Aug. of 2007. We got MEPA approval in May of 2007. 401 Water quality permits were received, DEP sewer extension permit.

We're basically at a point where all final permit plans have been submitted and accepted by the ZBA. We're in position to now pull a building permit. In June 2008, we were just about to do so, but changes in the market were happening and it was not the right time by September of 2008, Lehman Brothers closed and this project was nothing but a wish for an extended period of time. Financing was just not available. We've worked to keep all the permits active, and spent many years working with other developers, and finally been able to partner with a group that has expressed real interest and is very excited about what is happening in Amesbury. They are interested in making a very substantial commitment to the community. At this point, this project is valued well in excess of \$40M of investment in the city. I'd like to introduce our engineer from VHB, who was the original engineer on the project some ten years ago, Connor Nagel. Also here is Sean McReynolds from Corcoran - Jennison Company. We're not asking you to approve the project tonight. This is just introducing you to this project that is already approved and ready to go. We're seeking to change the permit granting authority on this. It makes sense and it is mutually beneficial for both us as the developers and for the city to pursue a more favorable 40 R zone. From our standpoint, what the 40 R zone does is, in a time where financing of apartment communities is still somewhat difficult to attain, it removes some of the unknowns with profit limitations and some other things that the 40 B statute creates. Our project is permitted with a 20% affordability component, meaning that 20 % of the units through Ma. Development, 20 % needed to be affordable to people making 50% or less of the area median income. Under the 40 R statute, we would increase that affordability and make 25% of the units, rather than 20%, affordable, but affordable to people making 80%. What that says is that they are affordable units, but they are not low income units, they are moderate income units. That should be more desirable to the community. As we move forward working with Nipun and keeping you abreast of the project, I'd like for all of us to keep in mind what we're asking for here, which is to change the heading on the permit, in some respects. Not to oversimplify it, but we're looking to change the special permit granting authority. Horsley-Witten at the time was our review engineer. This has been reviewed in a full traffic impact and analysis submitted that was thoroughly reviewed by the traffic peer review. We made all the

modifications as necessary to that plan. I think we spent in excess of \$40K with Horsley-Witten, going through various peer review costs. We've ended up with a good quality project. We need to make decisions and move forward since we are facing deadlines soon. If it is a process that is going to become lengthy at any point, we may need to decide to go back to the 40 B permit. Not what we want to do, but we hope for the 40 R.

**Sean McReynolds from Corcoran-Jennison Company:** A little background on our firm and who we are: Our company has been in the apartment renting business for over 40 years. We currently own and manage about 14,000 units. They are mainly mixed income units, so this project lies within our expertise. We're thrilled with the Amesbury market and think there is long term potential. As an owner/operator, we like to take long term approaches to project that we own and manage. We like the attributes and designs here, and think with the 40 R zoning, it'll be mutually beneficial for the developer and the city to approve as a 40 R vs. reverting back to a 40 B.

**Connor Nagel, with VHB.** We spent 18 months going through design review with Horsley-Witten and VAI were the traffic consultants. We've come up with a very good project for that review. The project respects the surrounding wetlands, as over 10 acres were put into a conservation restriction. Some stream along the boundaries were relocated and maintained. The storm water incorporated low impact development techniques, which were relatively new at the time but commonplace today. It is well connected in terms of pedestrian, bicycle and vehicular connections to the highway and to downtown Amesbury.

**Nipun Jain:** One administrative question, which was in the application, it says Map 86, Lots 45 and 47. There is no record in the assessor's database of Lot 47. We should probably clarify that because, in order to do a legal notice and abutters list, we need to make sure we don't miss any in a procedural flaw. I think I know what the issue is. Let's just clarify that.

**William Buckley:** There is also an offsite improvement project, so there is a \$500K or so intersection improvement that has been fully designed for the intersection of 110 and 150. Part of the improvement is to create a new sidewalk for pedestrian access from our entrance all the way up to the 150-110 intersection. There are significant traffic improvements here, new signalization, left hand turning lanes to be created. We've initiated that again with Mass. Highway. There is also a \$240K mitigation payment (a sewer mitigation payment) that was negotiated as part of the project. That is on top of the \$350K 40 R zoning payment. So this was a very cordial and productive process.

**Motion by David Frick to authorize staff to 1. determine substantial compliance with the submittal requirements to allow posting of a legal notice for as Dec. 8 meeting, 2. to authorize planning staff to accept additional information as needed to complete the submittal requirements, 3. request the staff to determine administrative and permitting related expenses to review request to waive application fees to the extent necessary.**

**Motion was seconded by Howard Dalton.**

**Robert Laplante:** One question: how can they accept a couple of reports that go back to 2007, particularly a traffic study being a concern. Because where routes 150 and 110 hit each other, that is very bad intersection. But you answered that question. But not having been here when this thing was sold to the city, you said it was sold as a 40 B?

**William Buckley:** Correct. It was approved as a 40 B.

**Robert Laplante:** And now you want to go to a 40 R, the difference being that, rather than serving low income people, you are going to serve middle income people?

**William Buckley:** The way it was permitted was, as a 40 B there is a subsidizing agency that has to participate in a 40 B project, so we had approval from Mass. Development to serve as our subsidizing agency. The way Mass Development operates is, they have what they call 80-



20 deals. That means 20% of our units, which at the time was 48 units, must be affordable to people making 50% or less than the area median income. The area median income is probably \$64K or \$65K right now. That means those units have to be affordable to people making, let's say \$32K. So under the 40 R zone, and we need to do that in order for the city of Amesbury to be able to get credit for, a 100% of these units (all 240) towards your so-called subsidized housing inventory, towards your 40 B goals. By changing to the 40 R, you end up with more affordable units, since the 40 R calls for 25% affordable units, so that is going to be 60 units, but those 60 units will be affordable to people making 80% or less of the area median income. So those will be higher rents.

**Nipun Jain:** What happens is, because A. both of those qualifying factors are acceptable under the SHI, what the city gains is from more number of units going and being counted toward the SHI, so because there are two different programs that are allowed, the cities to consider in order to have units on the SHI, this proposal would also qualify under the DHCD guidelines, but we get a higher number of units.

**William Buckley:** From the city's standpoint, it is a more desirable unit, because it is for people making more money, so the rent is higher. Although they are affordable, they are not as subsidized and not the deep subsidy that the project was originally approved under. This would put Amesbury over the top for affordable housing, since 100% of these units will count towards the SHI, but the so called deed restricted units will not be all of them. That is the only thing. Only 60 units will be deed restricted. But because it is a rental project, the regulations allow all of the units to be counted towards the SHI. Same thing with the Poplar and Cedar Street project."

Getting back to the voting on the motion: the vote was unanimous.

#### **CUMBERLAND FARMS – 241 AND 242 MAIN STREET**

**Nipun Jain:** Overview: This project is before the PLB to discuss the issues that came about on the site along the property line with the cemetery behind the proposed store. There was discussion at the last meeting, subsequent to that some board members and representatives from Cumberland Farms team met on the site to discuss options to find solutions accepted to concerns raised by PLB. There were two options discussed, but the one preferred by PLB which the applicant was asked to look into was to look at the approved retaining wall and to see if, in that location, if the height of the wall could be increased in such a manner that by adding two more rows of the blocks, that would start to address concerns with regards to drainage, the 1:1 slope, that is behind that retaining wall. We did receive an assessment mid week last week by the proponents engineer on the engineering design of that wall, which indicated that the wall was designed for the height that was shown on the approved plan. Any extension of that height on the approved wall would require basically taking the wall down and re-designing and potentially still not being able to do it for engineering reasons. At that time, I indicated to the applicant that they still need to look at other options that would look at what the objectives of the board members had with regards to addressing the grade issues, addressing how to look at the grade changes between or that settle across the property line, and also look at what is being done, if anything is needed to be done, on the drainage as we look at solutions. The applicant indicated that they are working on those options, and we got the drawing that is on the display board on Friday, and I got the hard copies today. What I think needs to happen at this point is A. have the board bring in there initial review consultant to sit down with the subgroup of the board to look at the options being proposed here, so that we have a fair understanding of the engineering issues that come into play in any

of the options, and how they fall within the desired objectives of the board. The board is intelligent enough to have a subgroup that can forward the objectives of the full board and discuss that with a working group of the representatives of the applicant, your own technical staff, in order to come up with an acceptable solution. It would be hard to discuss any solution in the absence of your technical expert, to be able to also talk about the solutions that are being offered today. That is why I think a working group of the board, with your technical staff, would help facilitate any discussions on options, within the framework of the objectives, which I think have been clearly expressed by this board. That is my recommendation, and if the applicant wishes to fill in any gaps, in the summary of the past two weeks, please do.

**John Smolak, attorney for the applicant:** With me tonight is Dom Taverna, senior construction project manager with Cumberland Farms. Also with us is Mark Bellanger and Matt Merver, Boehl Engineering. Nipun summed up what has happened over the past few weeks. We've been trying very hard and thought we had a solution at the site, but based on communication with the structural engineer felt that the integrity of that wall would be impacted as a result of adding the two additional courses of shay block on that wall and then backfilling it. So what we'd like to do is just run through some alternatives that we've come up with since that time. I think both alternatives would work. We have a preference of one over the other, but we'd like to walk you through those quickly.

**Nipun Jain:** I'd like to preface that the applicant did ask me what to do tonight. I indicated that the board has not had the opportunity to review this information, so maybe give just an overview of what the plans indicate, what are you trying to show, and we'll hold off on the comments, unless the PLB wishes to engage in that.

**Matt Merver, Boehler Engineering:** We did review the potential solution with the engineer who originally designed the wall. Unfortunately, adding those two courses of stone would require demolishing the entire wall to get down and put in a larger base stone. The base stone size is sized for the wall as designed. So without creating further disturbance, we've looked at two alternatives that would use the wall that we have in place, to try to treat the slope that we have behind that wall in a manner that gets us up to the previously existing grade at the property line, and puts all of the grade change mechanism on the Cumberland Farms site. Those two options, one being a stabilized slope option, and the other is to create a retaining wall to make up that grade change, a secondary retaining wall along the property line of the cemetery. The preferred option, and the less intrusive, would clearly be to utilize a stabilized slope, meaning that the area between the property line and the back of the rip rap swale would be graded at a little less than a 1:1 slope, but stabilized with erosion control fabric, that would keep the soil in place over the winter, through the spring, as the seed on that slope starts to germinate and form a permanent stabilization solution to that sloped area. What would happen in terms of sequence: that would be placed this fall, as the final grade is completed, then when we're ready to plant the actual trees along that edge in the spring, we'd just come back and cut holes in that fabric to allow the tree plantings. That is the solution we prefer and outlined on 1A on your paperwork packet. On 2A: We looked at having a more level planting area with an additional stone wall behind that planting area, which would reach a height of three feet maximum. Both of these solutions are only required in the cross hatched area that you see on the plan view below. Otherwise, beyond those limits along the property line, we're faced with the cross section that you see on C1, which is a much gentler slope, which does not require any additional means of stabilization or retaining wall modification. Those two options, either one of those solutions really doesn't impact visually from the cemetery. You're not looking at any of this grade change from the cemetery, but the

one impact we would have is that if we went with the retaining wall solution, we'd likely need either an additional fence or would need to pull this fence back behind this wall, just to protect people from heading in this direction towards this big wall, and that you would see from the cemetery. So that is one of the reasons we believe that this is probably the best solution. It has the least visual impact on the cemetery because you wouldn't need an additional fence or a relocated fence to create this condition. Those are the highlights of the two options we felt would alleviate that slope condition behind that wall without having to demolish the wall that exists now and create even more disturbance. The total length of this area is about 70 feet long. Also, this is all directly behind the building, so you won't see very much of this from the street.

**Nipun Jain:** In furthering this discussion, there might be aspects that come about in conversation that would be helpful if our engineering experts would be beneficial to be with you, whether its in regards to drainage of geotech or whatever, because then you have a more productive discussion where we don't lose the time of a preferred solution which may not work from an engineering perspective. So that is the reason why I suggested that. Having your reviewing consultant, who is very familiar with the project as designed and as approved, would certainly assist in any dialogue and productive meeting with the representatives of the board and the applicant. I don't think that we would have to go back and forth with a work shop like session. I think that we can meet more frequently, if we have to, and we could potentially come up with an acceptable solution to both parties. This could be pretty soon in the next week or so, if you decide to meet with our consultants, with the design team of the applicant.

**John Smolak:** We're just as anxious to resolve this and bring this to solution as you are. The sooner we can meet, the better. Winter is coming. We want to do as much as we can to accomplish what we need to do to stabilize over the winter and pick up on landscaping in the spring.

**Nipun Jain:** When we were on the site, we did discuss the whole modified landscaping plan that would have to be put in place and be acceptable to the PLB. Regardless of what is finally approved by the board, the timing is such it cannot be put in now, even if it was decided tonight, for many reasons. Any plantings, at this point, must wait until the next growing season in spring. So it is more important to come up with an acceptable solution that can be worked on and institute what is possible and practical going forward, so that it is clear to the applicant what is expected and clear what the board will see as a possible solution.

**Matt Merver:** I needed to add that erosion control and stabilizing that slope is crucial, and we want to get the final grading completed for that area, so that we can put stabilization down. So a speedy solution to this would be beneficial to everybody, so we can get that buttoned up for winter.

**Nipun Jain:** That is why I want the technical consultant for you to really talk about what are the ways to get to that point, by preventing erosion and stabilizing, and that can all be part of the solution itself. I think if a wall was needed to be put in, that it could be done this fall, because it is more a hard scape situation.

**Lars Johannessen:** I'd request that you mark your plans with where the pipe is, so we have it at our next meeting. (Merver = ok ).

**Motion was made by David Frick to recommend that there will be changes to the storm water plan, so at some point, we'll need a new plan for that and vote to get that a final approval, so my request review of the drainage changes by a reviewing consultant and then to also request review by a subcommittee of our PLB options, within the context of our objectives. Motion is seconded by Robert Laplante. Unanimous.**

**Nipun Jain:** I think what you're referring to is if there are changes to the drainage in that area because of the option that may be preferred and acceptable, then you should reflect that going forward, so keep that in mind. Maybe it's not being proposed right now, but once you choose a solution, and if it's a minor change, still make a note of it. Before the end of the afternoon tomorrow, I will have an e-mail to you guys to let you know what the preferred dates and times for subcommittee meetings and our consultant...hopefully getting a meeting before the end of this week. Now, when you said "reviewing consultant" are you talking about Horsley-Witten? Because they are the inspectional engineers. Are you talking about your inspectional engineers or about the peer review engineer that did the work during the permitting process? They are two different companies.

**John Smolak:** Horsley-Witten has been working with us on this particular solution. They were there for that.

**John Smolak:** They were doing the inspectional services for the board.

**Nipun Jain:** A question had come up in internal discussions. Coming up to speed with the whole design, with the permit approval, with the documents presented, in the spirit of expeditious resolution

The review engineer, BSC, they are all comparable, they would have intimate knowledge of the discussion the board had, would have intimate knowledge of the solutions proposed and accepted by PLB, in the spirit of time, is it better to have them involved or other than the inspectional engineer? Since they are both the same?

**John Smolak:** My sense is the latter, because we have been working closely with them, most recently. Otherwise, we'd have to bring BSC up to speed in terms of what has been happening. I think it'd be best to continue with Horsley-Witten.

**Nipun Jain:** Maybe in the discussion, you guys can let me know whether it is one group or the other.

**David Frick:** Doesn't matter to me.

**Howard Dalton:** I'd rather see BSC do it. They were originally in on the planning.

**Nipun Jain:** Let me know of your preference. Otherwise, we'll go with the applicant's wishes. Then we can send this to the reviewing consultant, and at least have them take a look at this.

#### **AMESBURY ANIMAL HOSPITAL – 277 ELM STREET UPDATED PUNCH LIST FOR HORSLEY-WITTEN**

**Nipun Jain:** The board had taken final action way back in consideration of the work complete. There was an e-mail that we did forward to the PLB of Horsley-Witten's site inspection. Since that time, I got an e-mail today from the applicant on what work they are doing. However, they clearly understand no more funds will be released at this time. So that is a moot issue now. **NO ACTION.**

#### **EASTERN LIGHTS – 37 MIDDLE ROAD, INSPECTION REPORT (WORK ON HOLD FOR SUBDIVISION). No Update. Letter sent on 10-8-14 requesting update.**

**Nipun Jain:** This is a 6 lot subdivision special permit approved by the PLB. The developers started construction sometime in mid summer this year. There was a gap but then they started to work vigorously on the site. There were some issues. At this point, they seek two things: 1. they have provided a performance bond. As there is a covenant, they would like it to be



released and to have a performance bond in its place, they provided an estimate so that the board can allow them to set up a performance bond. 2. is sort of not so much on the PLB side but believe there was an incident that was documented by ConCom and DEP, which may have to be resolved. It is not a PLB concern, but more so environmental aspects, but if there is a sign put up by DEP or ConCom, then just provide that to the PLB. That would be our recommendation.

**William Schway, one of the owners of subdivision:** I'm not aware of anything from ConCom.

**Nipun Jain:** I wish I had it with me right now. We got an e-mail from ConCom's agent about a month back, which should have been provided to you. If it has not been provided to you, we'll make sure that you have it. So we do have a bond estimate that the applicant has provided. They have also provided a construction schedule. We had asked for it, so the inspectional engineer would know when to inspect. My question is, where we are in the construction season, what do you anticipate completing in this season and what will; be done in the next construction season?

**William Schway:** There's not much left in this construction season.

**Nipun Jain:** The purpose of asking that is if you are not going to do much in this construction season, when we do not recommend that you put up a performance bond and wait for the next construction season and possibly save yourself some money on establishing a performance bond.

**Motion was made by David Frick listing three requests, but the recorder cut out. Nipun will know what these were. Motion was seconded by Howard Dalton. All in favor.**

*Recorder shut off for some reason. Met with Nipun to flesh out minutes from this point on. Apologies for brevity in remaining minutes.*

#### **Clipper City Gymnastics – Jeff Smith – Revised Parking Lot**

**Nipun Jain:** Yes, there were some improvements required by the police and fire, and right now, for the applicant to put \$2K as assurity to get the plans done.

**Howard Dalton:** I make a motion to amend that amount to \$1500. Motion was seconded by Lars Johannessen. All in favor.

#### **SHAHEEN BROTHERS, INC. – 95 HAVERHILL ROAD, AS BUILT SITE PLAN (W.C.CAMMETT Engineer Fred Ford)**

**Nipun Jain:** I recommend that 50% of the bond to be released for performance and to release all bonds for erosion control, if the board is still holding that.

**Motion of "so moved" was made by David Frick. Motion was seconded by Howard Dalton. Vote was unanimous.**

#### **LOCKE HILL LANE – 56 AND 58 SOUTH HAMPTON ROAD – PLAN ENDORSEMENT**

**Nipun Jain:** I talked to them about the fact that the applicant wanted plan endorsement but it is being appealed, so they are not yet eager to get the plan signed, and more so, they have not given us the mylars, so we can't sign anything.

**AMANDA LANE – EVANS PLACE – PLAN ENDORSEMENT**

**Nipun Jain:** The mylar is represented, we have the covenant, the covenant was signed, and so that is what they did...they signed that.

**MILL DEVELOPMENT PROJECT – 20 CEDAR / 4 POPLAR STREET – UPDATE**

**Nipun Jain:** I gave them an update on what work was outstanding remaining. Based on the outstanding work, we've come up with a bond amount, and the PLB authorized the planning office to require a bond for \$60K.

**Motion was made by Howard Dalton to follow the three recommendations made by the planning staff. Motion was seconded by Robert Laplante. All in favor.**

**RIGHT OF WAY IMPROVEMENT SUBDIVISION PLAN AT FOURTH STREET  
(Brad Kutcher)**

**Update** by Nipun Jain to let us know the work is proceeding as per approved plans, and that DPW is overseeing the improvements along Fourth Street, and before occupancy permits are issued, the DPW will notify board, planning and building inspections on that project.

**Motion was made by Scott Mandeville to endorse the recommendations by planning staff. Motion was seconded by Robert Laplante. All in favor.**

**LETTER FROM JOHN QUINN**, dated 10-20-14, re: Map 38, Lots 1 and 1A  
(G.I. Chapter 61A, first refusal, option to purchase.

**Nipun Jain:** This was a communication that was sent from the property owner to PLB, as required under the statute, informing them that he had submitted a notice to the city to exercise the right of first refusal and that the city has pursued that right of first refusal, and it is under consideration before the City Council.

**2015 PLANNING BOARD SCHEDULE WAS APPROVED. All in favor.**

**Ordinance 2014-115 – Amend the Amesbury Zoning Bylaw and Overlay Map**

**At their duly posted meeting on November 10<sup>th</sup>, 2014, the Amesbury Planning Board concluded its Public Hearing and unanimously voted to recommend approval of Bill Number 2014-115 for the proposed amendments to the Amesbury Zoning Bylaw and Overlay Districts Map as submitted. All in favor.**

**Nominate a secretary for the PLB – was not addressed.**

**Motion to adjourn was made by Robert Laplante. Motion was seconded by David Frick.**

**Meeting was adjourned at 9:50 P.M.**

# POT IN MINUTES

Dana & Barbara Hathaway  
9 Swetts Hill Amesbury, MA 01913

11 November 2014

Amesbury Planning Board  
Town Hall, 62 Friend Street  
Amesbury, MA 01913

Dear Members of Amesbury Planning Board,

This letter is to express our concerns regarding phase II development of the Hatter's Point Condominium.

After purchasing and living at #10 Swetts Hill for 10 years, we were able to purchase an adjacent property overlooking views of the Merrimac River and Maudsley State Park. We made a substantial investment in the construction of solar design single family home. We understood that re-development of the Merrimac Hat Factory was a very real possibility and that some future changes in our immediate environment were likely to occur. Our diligence regarding the zoning restrictions and permitting process in place at this time lead us to conclude that the pre-existing structures controlled re-development to an extent that would be acceptable.

In this context it is critical to point out that the very substantial inventory of Factory Mill Buildings in and around the more urban center of town have all been successfully re-developed and re-vitalized without height and size changes. These buildings are successfully providing offices, residences and taxes. More exactly to this point, the phase I development of Hatter's Point is an example of this. We are therefore lead to ask if phase I was successful, why does phase II require such a drastically different approach?

We are now confronted with a plan for building the 1<sup>st</sup> High Rise Building in Amesbury in a substantially single family, rural neighborhood, with the additional burden of its impacts on the environmentally sensitive riverfront. The massive changes proposed in the height and size of new buildings, because they are in new locations, of the proposed plan present an unacceptable level of impacts and change to this neighborhood.

- 1 The construction of a high rise some hundreds of feet along Merrimac Street and the Merrimac River would make the highest building on the river proceeding up to Haverhill where high rise building is in the center of urban center.
- 2 Public Safety on this section of Merrimac Street is an issue which must be addressed. Since this section of Merrimac Street runs east -west the placement of high rise structure on the south side of the street would forever occlude the winter sun from both the street and residences on the north side. A solar analysis needs to be performed calculating the times and occlusion areas.

We are respectfully requesting that this board perform a thorough examination of the multiple significant impacts the proposed plan would have and seriously consider a more modest and appropriate approach, such as used in phase I, to any re-development of this site. An immediate concern is the Request for extension of a previous plan for phase II submitted to this board. Although the details of permitting implications are unclear to us at this time, it does seem obvious that an application that specifies larger and taller buildings in new site locations have no relevancy to any previous plans and that the extension not be granted.

Respectfully,  
Dana & Barbara Hathaway



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2014-115

Amesbury

AMESBURY CITY CLERK

Community & Economic Development  
Nipun Jain, City Planner  
Planning – Conservation – Appeals  
Tel: (978) 388-8110 Ext. 312  
Fax: (978) 388-6727  
[nipun@amesburyma.gov](mailto:nipun@amesburyma.gov)

62 Friend Street  
Second Floor  
Amesbury, MA 01913

## MEMORANDUM

DATE: November 17, 2014  
TO: City Council  
FROM: Nipun Jain  
SUBJECT: Ordinance 2014-115 - Amend the Amesbury Zoning Bylaw & Overlay Map

Dear Council President,

At their duly posted meeting on November 10, 2014, the Amesbury Planning Board concluded its public hearing and unanimously voted to recommend approval of Bill 2014-115 for the proposed amendments to the Amesbury Zoning Bylaw and Overlay Districts Map as submitted.

If you have any questions or concerns, or if I could provide any additional information, please feel free to call my office.

Sincerely,

Nipun Jain

Encl: Exhibit showing proposed changes to the Renewable Energy Development District (REDD) Overlay Boundaries



# EXHIBIT 1 – Changes to the Amesbury Overlay Map

